

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2595

Introduced by Assembly Member Linder

February 19, 2016

An act to amend Section ~~8685.4~~ 8611 of the Government Code, relating to disaster ~~assistance~~ preparedness.

LEGISLATIVE COUNSEL’S DIGEST

AB 2595, as amended, Linder. ~~Disaster assistance: local agency allocations.~~ *Local government: disaster preparedness: test exercises.*

Existing law, the California Emergency Services Act, authorizes any city or county to create by ordinance a disaster council for developing plans for meeting any condition constituting a local emergency or state of emergency. Existing law also authorizes any city or county to provide for the calling of test exercises, either singularly or jointly, whenever, in the opinion of those political subdivisions, those test exercises are needed.

This bill would instead require cities and counties to provide for the calling of those test exercises at least twice per year and whenever needed. By requiring these actions by a local agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Under the California Disaster Assistance Act, a local agency is required to make application to the Director of Emergency Services for state financial assistance within 60 days after the date of the proclamation of a local emergency.~~

~~This bill would make technical, nonsustantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8611 of the Government Code is amended*
2 *to read:*

3 8611. Counties, cities and counties, and cities ~~may~~ *shall* provide
4 for the calling of test exercises, either singularly or jointly,
5 whenever, in the opinion of ~~such those~~ *those* political subdivisions, ~~such~~
6 *subdivisions, those* test exercises are ~~needed~~; *needed, but at least*
7 *twice per year*; provided, however, that with respect to any such
8 test exercise no one shall have the power to command the
9 assistance of any private citizen, and the failure of a citizen to obey
10 any order or regulation pertaining to a test exercise shall not
11 constitute a violation of any law.

12 *SEC. 2. If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*

17 ~~SECTION 1. Section 8685.4 of the Government Code is~~
18 ~~amended to read:~~

19 ~~8685.4. (a) A local agency shall make application to the~~
20 ~~director for state financial assistance within 60 days after the date~~
21 ~~of the proclamation of a local emergency. The director may extend~~
22 ~~the time for this filing only under unusual circumstances. No~~
23 ~~financial aid shall be provided until a state agency, upon the request~~
24 ~~of the director, has first investigated and reported upon the~~
25 ~~proposed work, has estimated the cost of the work, and has filed~~
26 ~~its report with the director within 60 days from the date the local~~
27 ~~agency made application, unless the director extends the time~~

1 because of unusual circumstances. The estimate of cost of the work
2 may include expenditures made by the local agency for the work
3 prior to the making of the estimate. If the reporting state agency
4 fails to report its findings within the 60-day period, and time is not
5 extended by the director, the director may complete the
6 investigation and recover a proportionate amount allocated to the
7 state agency for the balance of the investigation.

8 (b) For purposes of this section, “unusual circumstances” are
9 unavoidable delays that result from recurrence of a disaster,
10 prolonged severe weather within a one-year period, or other
11 conditions beyond the control of the applicant. Delays resulting
12 from administrative procedures are not unusual circumstances
13 which warrant extensions of time.